

REMARKS

Claims 1-22, 38-62, 69-74, 76-77, and 85-95 remain in the present application for the Examiner's review and consideration after the entry of the amendments above. Claims 23-37 were previously withdrawn from consideration as being directed to an unelected species, and claims 78-84 previously added are now marked as withdrawn as being directed to an unelected species. Method claims 63-67 directed to a non-elected embodiment were previously canceled. Claims 68 and 75 are canceled since their subject matters were added to independent claim 62. Independent claims 96-98 are canceled.

Claims 1-22, 41, 46, 47, 51-55, 68-70, 72, and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US 3,444,035) and further in view of Zafiroglu (US 6,063,473). Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US 3,444,035), in view of Zafiroglu (US 6,063,473), and further in view of Narens *et al.* (US 4,324,824). Claims 42 and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US 3,444,035), in view of Zafiroglu (US 6,063,473), and further in view of Cruise *et al.* (US 5,874,159). Claims 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US 3,444,035), in view of Zafiroglu (US 6,063,473), and further in view of Makansi (US 5,882,770). Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US 3,444,035), in view of Zafiroglu (US 6,063,473), and further in view of Addie *et al.* (US 3,924,040). Claims 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US 3,444,035), in view of Zafiroglu (US 6,063,473), and further in view of Taylor (US 4,588,629).

Claims 62, 76, 77, 88, 89, 92, 94, and 97 are rejected under 35 U.S.C. 102(b) as being anticipated by Bushnell (US 3,444,035). Claims 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US 3,444,035). Claims 71, 91, 93, 96, and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US 3,444,035) and further in view of Cruise *et al.* (US 5,874,159). Claims 85-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US 3,444,035), in further in view of Narens *et al.* (US 4,324,824). Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US 3,444,035), in further in view of Taylor (US 4,588,629).

The courtesy extended by Examiner Matzek and Supervisory Primary Examiner (SPE) Morris to Applicant and his representatives at the interview on November 28, 2007, is greatly

appreciated.

Claims 1 and 62 are the only two remaining independent claims, and are discussed in detail below.

As stated above, independent claim 1 stands rejected as being obvious over Bushnell and Zafiroglu '473. Three structural limitations were added to claim 1 in the Amendment dated July 13, 2007, namely,

- wherein a combined density of the fibrous outer layer and the adhesive layer in the depressed areas is at least about 0.7 g/cm^3 ,
- wherein a lateral distance between adjacent depressed areas in at least one direction is from about 1.5 mm to about 10 mm, and
- wherein the elevation of the elevated area, D, is greater than the thickness of fibrous layer, T_f , in the elevated area.

While allegedly the first of these limitations was found in the Zafiroglu '473 reference, *which does not even discuss depressed or elevated areas as claimed herein and therefore teaches away from the present invention*, the Examiner unfortunately ignored the latter two limitations, because he "takes the position that [] the Specification fails to teach or suggest the criticality of [the limitations]." (Office Action, ¶ 7.d, pages 5-6). The Examiner failed to appreciate the detailed discussion of these three limitations on pages 15-16 of the July 13th Amendment, and its references to page 9, lines 20-23 and page 10, lines 1-14 of the present specification (or paragraphs [0047] and [0049] of the corresponding pre-grant published application US 2004/0106346 A1), *inter alia*. Applicant had clearly explained in the July 13th Amendment that

"The rationale for adding the three new structural limitations to claim 1, can be found in paragraphs [0047] and [0049] of the present specification. Paragraph [0049] explains that while the density of the fibrous outer layer should be high, it should also be lower than that of the combined density in the depressed areas. Paragraph [0049] further explains that to create 'abrasion resistance', 'durability', 'barrier to dust and bacteria', 'convenient cleaning' and 'sanitizing the composite' the density of the fibrous layer should be high and the anchoring of the fibrous outer layer to the adhesive layer should be at small intervals. To achieve high density in the fibrous layer and to anchor at small intervals, *the 'lateral distance X' should be about 1.5 to 10 mm, and the combination of lateral distance X and the ratio of D/T_f 'helps to assure that the textured composite material [of the present invention] has superior resistance to abrasion and deformation even though the fibers in the elevated areas are substantially free of activated adhesive.'*

These three added limitations are not disclosed in the Bushnell reference.

This combination of the three added structural limitations renders the composite of claim 1 usable as a floor covering (see Abstract and Summary), and this distinguishes claim 1 from the tire covers disclosed in Fuchs, from the breathable, pliable, soft, comfortable upholstery fabrics disclosed in Bushnell and from the disposable diapers disclosed in Gillette, as well as all of the currently and previously applied prior art references.”

(emphasis added). At the Interview, Applicant further demonstrated that the lateral distance X is analogous to the distance between adjacent coils of a helical spring, and while there is no ready analogy to distance T_f , elevation D is analogous to the diameter of a coil in the helical spring. The analogy to the helical spring is apt, because this springiness allows the composite to expand/contract to minimize doming or cupping of the floor covering, as explained from page 10, line 21 to page 11, line 2 of the specification (or paragraph [0051] of the corresponding P.G. Publication.) The Applicant also demonstrated to the Examiners during the Interview the ability of circular samples of the inventive composites to contract when positioned inside a rigid ring that is slightly smaller than the composites’ diameter to maintain a flat surface without doming or cupping.

Hence, these three structural limitations are not disclosed in Bushnell or Zafiroglu ‘473 or in the art of record and must be given their proper patentable weights. For this reason alone, claim 1 is patentable over Bushnell and Zafiroglu’473, singly or in combination. Applicant also notes that the Bushnell reference does not disclose that its composite is usable as a floor covering, as claimed.

Furthermore, while rejecting claim 1 as being obvious the Examiner failed to give proper weight to the declaration by Dr. Davis Lee, which constitutes secondary or objective evidence of non-obviousness. The Examiner improperly dismissed Dr. Lee’s declaration as merely describing “the state of technology” in paragraph 2 of the current Office Action. Contrary to the Examiner’s statement, on pages 18-19 of the July 13th Amendment, Applicant had explained that

“Again, in order to hasten the completion of the present prosecution and in anticipation of possible rejection of the independent claims on an obviousness ground, Applicant submits herewith objective evidence showing the non-obviousness of the present invention. Applicant hereby submits a declaration by Dr. Davis Lee, who has worked in the fields of carpeting and floor covering since about 1995. Dr. Lee had evaluated early samples made in accordance with the present invention and found that the inventive carpet composite samples to be unexpectedly durable

and unexpectedly resistant to unraveling when cut. These properties are the effects of the embossing pattern, *i.e.*, with elevated and depressed areas; the embossing pattern has closely spaced embossing to lock the fibers on the face of the composite, rendering the face durable and the edges resistant to unraveling. These properties solve a long felt need in the art and a failure by others, *i.e.*, the unresolved problems associated with the Solenium product, which is a flat floor covering composite. To the best of Applicant's knowledge, this so-called Solenium product is described in WO 99/19557, which is discussed in the Background section of the present invention in paragraph [0008] and which was submitted as reference no. CV in the IDS dated April 21, 2004. Hence, both the durability and the resistance to edge unraveling of the inventive composites are unexpected results and solved a long felt need in the art. All of these are objective indicator proving the unobviousness of the claims of the present invention. *See Graham v. John Deere Co.*, 383 U.S. 1 (1966), MPEP 1504.3(III), MPEP 2141 (III) and MPEP 716.01(c)(III)."

(emphasis added). *See also*, PTO's Examination Guidelines for Determining Obviousness under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, at p. 57527 (October 10, 2007)("Objective evidence relevant to the issue of obviousness must be evaluated by Office personnel.")

Dr. Lee testified in his declaration that the durability and resistance to edge raveling of the inventive composites constitute unexpected results and solved a long felt need in the art, which includes an actual commercial product known as Solenium. For this additional reason alone or in combination with the one stated above, claim 1 is patentable over the art of record.

Furthermore, a sample of the Solenium product was shown to Examiner Matzek and SPE Morris at the interview. This Solenium product is non-textured or flat, and is stiff and heavy, as described by Dr. Lee. This product suffered from the edge unraveling problem and was removed from the market in late 2001. Applicant also illustrated to the Examiner Matzek and SPE Morris that the Solenium product used a layer of fiberglass to stabilize itself and to resist contraction and expansion due to temperature and moisture changes. This teaches away from the claimed invention, because the inventive composite absorbs the expansion and contraction due to its springiness described above. The Solenium product constitutes highly material and probative evidence that the art teaches away, because it represents actual thinking of professionals who work in this industry. For this additional reason, alone or in combination of the ones stated above, claim 1 is patentable over the art of record.

Moreover, during the Interview, Applicant presented to the Examiners an *unsolicited* letter from Mr. Graham Scott, who is not associated with the Applicant or his assignee as of the date of the interview, and who is listed as a co-inventor on a number of published patent documents in the field of floor covering. Mr. Scott's letter is attached herewith. As a matter of fact, Mr. Scott is listed as a co-inventor on PCT published application WO99/19557 A1¹, which Applicant believes describes and claims the same Solenium product. See pages 18-19 of the July 13th Amendment and the quoted portion immediately above. During a business meeting, Mr. Scott was shown samples of the inventive composites². Mr. Scott then sent said unsolicited letter, which is attached herewith, to C&G Flooring, a licensee of the assignee of this invention. In relevant portions, Mr. Scott stated:

"I have been thinking a great deal about the product line being developed by your company and offer a number of observations for you to consider.

My first and lasting impression is that you have a very significant new product. I do believe that it will perform well in a commercial setting and will do so using a minimum of material and resources."

* * *

"Your product has excellent wear potential and has well sealed edges."

* * *

"A plus for your product is its low resistance to rolling."

* * *

"You have a great potential and if there is any justice in this world your product will be a success."

Mr. Scott's unsolicited praises are highly material objective evidence, because Mr. Scott had tried to solve these problems with the Solenium product but was not successful. He stated that "[m]uch of the above was encountered long after the introduction of our carpet modules." See page 2 of Mr. Scott's letter. His letter shows long felt but unresolved need in the art, failure of others and unexpected results in support of the claimed invention. For this additional reason, claim 1 is patentable over the art of record.

At the Interview, SPE Morris suggested that language should be added to

¹ Mr. Graham Scott is also listed as an inventor on US 6,694,689, WO00/53865A1, WO99/41814 and WO99/37198, among others.

² Similar samples were left with Examiner Matzek for his review.

indicate that the composite, as claimed, is usable as floor covering. Independent claims 1 and 62 have been so amended. As stated above, the Bushnell reference does not teach that its composite is usable as a floor covering.

Independent claim 62 has been amended to delete the two limitations added in the July 13th Amendment, since these limitations did not overcome the prior rejection. The three structural limitations added to claim 1 in the July 13th Amendment are added to claim 62, as well as the composite's ability to be used as floor covering. Hence, for substantially the same reasons that claim 1 is patentable, independent claim 62 is presently patentable.

In the event that Examiner Matzek decides to apply the prior art references that are newly cited in parent application serial no. 10/307,186, as allowed under MPEP 609.02(A)(2), to hasten the conclusion of this long prosecution Applicant hereby *preemptively* addresses the references newly cited in a *new office action dated December 20, 2007 in the 10/307,186 parent application*. These references include U.S. 3,616,135 to Tesainer et al, U.S. 5,472,763 to Schwarz et al, and U.S. 3,823,056 to Cooney. The main/primary reference is the Tesainer reference, which discloses a corrugated paperboard with upright flock fibers attached thereto by sprayed adhesive. (See Figures 4 and 5 of Tesainer.) The corrugated paperboard has crests 16 and valleys 18.

Tesainer is cumulative to the Taylor reference (U.S. 4,588,629), which also discloses flock fibers being attached by adhesive to a backing. During an earlier interview held on November 6, 2006, attended by Applicant, the undersigned representative, Examiners Matzek and Torres-Velazquez, an agreement was reached that if Applicant would amend the claims to recite that the fibrous outer layer is "continuous or integral," then the claims would overcome the flock fibrous outer layer. Applicant so amended independent claims 1 and 62 in the Supplemental Amendment dated November 9, 2006. Thereafter, the rejection based on Taylor and flock outer fibrous layer was withdrawn in an office action dated January 26, 2007. Hence, claim 1 is patentable over Tesainer for substantially the same reason that it is patentable over Taylor.

Additionally, Tesainer does not have the three structural limitations were added to claims 1 and 62, namely,

- wherein a combined density of the fibrous outer layer and the adhesive layer in the depressed areas is at least about 0.7 g/cm³,
- wherein a lateral distance between adjacent depressed areas in at

- least one direction is from about 1.5 mm to about 10 mm, and
- wherein the elevation of the elevated area, D, is greater than the thickness of fibrous layer, T_F, in the elevated area.

Neither the newly cited Schwarz nor the newly cited Cooney describes any of these structural limitations, and claims 1 and 62 are patentable over all three newly cited references.

On the other hand, the Examiner is applying Cooney for the proposition that the flock fibers of Tesainer can be substituted with woven or knitted fabrics, because Cooney shows at these fabrics are “recognized equivalents” in the art. (See paragraph 4.c of the *office action dated December 20, 2007 in the 10/307,186 parent application*). Applicant respectfully traverses this substitution on the ground that it is directly contrary to the teaching of the main reference Tesainer. Tesainer clearly teaches that the flock fibers are to be added after the corrugated paper cardboard backing has been formed. (See Figs. 6 and 7). The selection of flock fibers in Tesainer is reasonable, because these fibers are deposited via electrostatic flocking apparatus 66 and no mechanical force is applied on the corrugated paper cardboard, which is weak. On the other hand, if a woven or knit fabric is substituted for the flock fibers, there is no way to ensure that this fabric is attached to the corrugated paper cardboard (since the electrostatic force is no longer applicable), unless great mechanical pressing force is applied which would certainly crush the corrugated paper cardboard. Importantly, there is no mechanism disclosed in Tesainer or Cooney that would force the woven or knit fabric to follow the corrugated contour of the corrugated paper cardboard, and the hypothetical woven or knit fabric would rest on top of crests 16. Furthermore, Tesainer teaches an inexpensive floor covering (see Abstract and column 1). A hypothetical substitution of woven or knit fabric for loose flock fibers would necessarily increase the complexity of the method for making the Tesainer floor covering and possibly would increase the cost of raw materials (loose flock fibers versus woven or knit fabrics) and thereby increasing the manufacturing cost. For these reasons, a hypothetical combination of Tesainer and Cooney fails.

Moreover, the secondary or objective evidence proving non-obviousness discussed above applies with equal force against rejections based on any combination of prior art, including Tesainer and Cooney or other combinations or sub-combinations based on the newly cited art in the parent application.

As stated, all rejections and possible rejections of independent claims 1 and 62 have been

fully traversed. Early allowance of claims 1 and 62 is earnestly solicited.

DEPENDENT CLAIMS

Claims 2-22, 38-61 and 95 depend on patentable claim 1 and claims 69-74, 76-77, 85-94 depend on patentable claim 62, and recite further limitations therefrom. Hence, ALL dependent claims are presently patentable due to their dependency. However, in order to preserve Applicant's rights for a possible appeal to the Board of Patent Appeals and Interferences, Applicant also addresses below the rejections of the dependent claims. To maintain the organization of the arguments, Applicant addresses first, the claims dependent on independent claim 1 to be followed by the claims dependent on independent claim 62.

Dependent claims 2-22, 41, 46, 47, 51-55 and 95 are also rejected over the combination of Bushnell and Zafiroglu '473, similar to independent claim 1. As discussed above, Zafiroglu '473 discloses a composite with a flat upper surface, which teaches away from a textured upper surface of Bushnell, and has no elevated and depressed areas as claimed. Thus, a hypothetical combination of Zafiroglu '473 and Bushnell is not proper.

Furthermore, claim 2 recites a further limitation on lateral distance which the Examiner had admitted to be missing from the hypothetical combination.

Claims 3-5 further limit the densities in the depressed areas. The Examiner had alleged that Zafiroglu '473 has these densities. However, Zafiroglu '473 does not disclose depressed areas and therefore cannot disclose their densities.

Claims 6-7 recite that the fibers in the depressed areas are substantially embedded or fully embedded. Neither Bushnell nor Zafiroglu '473 discloses these features.

Claim 8 further requires that in the depressed areas the adhesive layer penetrates at least to a portion of the top of the fibrous layer. Bushnell does not disclose this feature, and Zafiroglu '473 does not disclose depressed and elevated areas and teaches away from forming depressed and elevated areas.

Applicant agrees that the subject matters of dependent claims 9 and 10 are shown in Bushnell. However, as stated above claims 9 and 10 remain patentable because they have all the limitations of claim 1.

Claim 11 further requires that in the elevated areas the bottom of the fibrous outer layer is unbonded to the adhesive layer. Neither Bushnell nor Zafiroglu '473 discloses this feature. In

Bushnell, the top layer is laminated to the adhesive layer. Thus, these two layers are bonded to each other throughout. Zafiroglu '473 does not teach elevated areas.

Claims 12-13 further limit the density of unbonded fibers. While Zafiroglu '473 does broadly disclose similar density ranges, it does not disclose a textured composite with elevated and depressed areas, as claimed.

Claim 14 recites that the density of the peak regions of the elevated areas is substantially the same as the density of the fibrous outer layer. Zafiroglu '473 does not have elevated areas, and the elevated areas of Bushnell cannot have substantially the same density as the fibrous outer layer because the composite of Bushnell is laminated (see Fig. 5), which necessarily alters the density of the fibrous layer.

Claims 15-18 recites more specific D/T_f ratios. The Examiner has already admitted that this ratio is not known in the art of record in paragraph 7.d of the office action. Applicant has explained in detail this limitation in his argument related to independent claim 1.

Applicant agrees that the subject matter of dependent claim 19 is shown in Bushnell. However, claim 19 remains patentable because it has all the limitations of claim 1.

Claim 20 recites transition areas between the depressed areas and elevated areas. Arguably, Bushnell does show transition areas, but as stated above all dependent claims are patentable due to their dependency on claim 1. However, Bushnell does not disclose the density range of these transition areas, as claimed in dependent claim 21. Zafiroglu '473 does not disclose transition areas.

Claim 22 further limits the claimed textured composite to have multiple colors on the surface area caused by the fibrous outer layer and the adhesive layers having different colors. Neither Bushnell nor Zafiroglu '473 discloses this feature.

Applicant agrees that the subject matter of dependent claim 41 is shown in Bushnell. However, claim 41 remains patentable because it has all the limitations of claim 1.

Claim 46 requires that the fibrous outer layer is a knit, which is arguably disclosed in Bushnell, but as stated above all dependent claims are patentable due to their dependency on claim 1. Bushnell does not disclose that this layer is raised, as claimed in claim 47.

Claim 51 requires that the depressed areas are interconnected to form a first pattern, which is arguably disclosed in Bushnell, but as stated above all dependent claims are patentable due to their dependency on claim 1. However, claims 52-55 which depend on claim 51 require more specific patterns, which are not disclosed in Bushnell and Zafiroglu '473.

Claim 95 further requires that the composite remains substantially flat in response to temperature change. None of the cited art discloses this function.

Claims 38-40, which also depend on independent claim 1, are rejected in paragraphs 8.a-8.c in the current office action, over Bushnell and Zafiroglu '473 and in further view of Narens. The Examiner alleged that Narens teaches a liquid impermeable layer, as claimed. However, Narens does not teach a separate layer that is liquid impermeable. The passage cited by the Examiner at col. 6, lines 3-15, discloses an interplay between the base layer 12 and coating 30 on the piles 14 (see Fig. 4) that is responsible for the alleged impermeability. Hence, Narens fails to remedy the deficiencies of the improper combination of Bushnell and Zafiroglu '473.

Claims 42 and 58-61, which also depend on independent claim 1, are rejected in paragraphs 9.a-9.c over Bushnell and Zafiroglu '473 and in further view of Cruise. The Examiner alleged that Cruise discloses a spunlaced fabric, as claimed.

Claim 42 recites a non-woven fibrous layer and claims 58-61 further recite spunlaced fabric these claims depend on claim 1, which has been amended to read that the claimed composite is usable as floor covering per SPE Morris' suggestion at the November 28th interview. Cruise is directed to machine washable garments, which is not related to floor covering. Hence, Cruise cannot be used to remedy the deficiencies of Bushnell and Zafiroglu '473.

Claims 42-45, which also depend on independent claim 1, are rejected in paragraphs 10.a-10.c over Bushnell and Zafiroglu '473 and in further view of Makansi. These claims recite that the non-woven is stitch-bonded; the fibrous outer layer comprises at least one woven layer; and the surface of the nonwoven is raised, respectively. Makansi fails to remedy the deficiencies of Bushnell and Zafiroglu '473. The fine grooves on the fibrous sheet described in Makansi and cited by the Examiner are measured in the order of microns and are designed to produce a holographic image. (col. 3, lines 18-26, 27-32 and 41-62). These dimensions are several orders of magnitude smaller than the lateral distances (about 1.5 mm to about 10 mm) of claim 1. This teaches away from using Makansi to support any rejection of claims that depend on independent claim 1.

Claims 48-50, which also depend on claim 1, are rejected in paragraphs 11.a-11.c over Bushnell and Zafiroglu '473 and in further view of Addie. The Examiner interpreted the woven scrim material in Addie as the same as the claimed lace material. Applicant traverses this interpretation. Woven scrim materials are known in the art to be non-conformable and therefore non-embossable. Indeed, the woven scrim material shown Addie is not embossed. On the other

hand, lace materials are conformable. Furthermore, a scrim is a “durable loosely woven cotton or linen fabric”, but a lace is a “delicate fabric made of yarn or thread in an open weblike pattern.” The American Heritage College Dictionary, 3d Ed. (1993) at p. 1227 and p.757. Hence, a lace fabric is different than a scrim fabric, *e.g.*, one is durable and the other is delicate, as claimed.

Claims 56 and 57, which also depend on claim 1, are rejected in paragraphs 12.a-12.c over Bushnell and Zafiroglu ‘473 and in further view of Taylor. The Examiner stated that Taylor discloses an apertured structure (citing col. 6, lines 7-48)³. The passage relied by the Examiner does disclose perforated or apertured structure created by using a serrated plate on the die head. However, there is no teaching that these perforations or apertures coincide with the depressed areas, as claimed. Hence, Taylor cannot remedy the deficiencies of Bushnell and Zafiroglu ‘473.

All rejections of the claims dependent on independent claim 1 have been fully traversed. Since independent claim 62 has been amended by replacing the two limitations previously added with four new limitations, as discussed above, Applicant believes that the rationales supporting the rejections of claims dependent on claim 62 have been rendered moot. Additionally, the claims dependent on independent claim 62 are similar to the claims dependent on independent claim 1. For example, dependent claim 69 corresponds to dependent claim 3, and dependent claim 73 corresponds to dependent claim 16. Hence, the arguments and traversals submitted in connection with claims dependent on independent claim 1 also apply to the claims dependent on independent claim 62.

Applicant submits that all claims are now in condition for allowance, early notice of which is respectfully requested. Since claims 1 and 62 are presently allowable and remain generic to withdrawn claims 23-37 and 78-84, consideration of the withdrawn claims is earnestly requested.

³ The Examiner also states that he believes that the flock fibers could be oriented parallel to the adhesive layer when the fibers are blown or dropped in. Applicant respectfully traverses this interpretation. Taylor in its figures clearly shows that the flock fibers are substantially perpendicular to the adhesive layer in undisturbed areas. Furthermore, generally accepted textile textbooks also describe that flock fibers are generally perpendicular to the adhesive layers.

A one-month extension of time is requested, and fee for a one-month extension to time is attached herewith. If other fees are necessary, please charge the additional fees to Deposit Account No. 50-1980. If a fee is requires for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully Submitted,

Date: February 4, 2008

/H.T. Than/

H.T. Than, Registration No. 38,632
Attorney for Applicant

The H.T. Than Law Group
Waterfront Center
1010 Wisconsin Avenue, N.W., Suite 560
Washington, DC 20007
Telephone: (202) 363-2620
Facsimile: (202) 363-3490

encls.

Letter from Mr. Graham Scott to Mr. David Armentrout, C&G Flooring
dated October 22, 2007
Petition for Extension of Time (1 month)

To : David Armentrout C&G Flooring
From: Graham Scott

Re : Product Development

I have been thinking a great deal about the product line being developed by your company and offer a number of observations for you to consider.

My first and lasting impression is that you have a very significant new product. I do believe that it will perform well in a commercial setting and will do so using a minimum of material and resources. Your entry into the market place has come at a time when buyers are now more aware of the need for sustainable products, in fact I think your timing will be perfect.

As you probably realize I have been on the environmental wagon for some time and will support activities that further movement towards sustainability. When you and your product line are ready I would, if you wish, be happy to introduce you to the right people at Interface with the hope that your development will reach a world wide market.

Here are some observations for you to consider

Surface

Your product has excellent wear potential and has well sealed edges. The thin top surface will not do anything to disguise seams and means that you will need to have accurate and tight tile installations as well as carefully prepared seams for roll goods installations.

Stability and Adhesives

I would advise you to work towards an Aachen result of less than .01% or .012ins. per foot. You need this kind of stability to work with your seams.

I note that you intend to glue your installations down. This will require that you carefully select your intended adhesive. I do not like the peel and stick approach as it requires good clean smooth floors to allow it to work, something rare in the real world. You will also need to consider existing residues left from earlier installations or perhaps the finishes and sealers present with new construction. As you are considering total spread adhesive you will need to be aware of the effects of moisture present in on-grade or below grade floors and in newly poured concrete. I do not think that your product will require any special consideration with regards to moisture as it looks as though it will be able to absorb some residue.

I encourage you to work with as little "grab" as possible. Tile installations are generally regarded as being a way to readily move or change out material and I think your product will get damaged if effort is required to peel it from the floor.

A plus for your product is its low resistance to rolling. Health Care and Banks. You might want to do some tests to show that under heavy rolling loads your product will remain in place. Typically a four wheeled cart with say 6inch diameter wheels should be able to carry about 800lbs without "popping" your tiles. 10inch wheels about 1400lbs and 4inch wheels around 600lbs. Yes, there is a connection between diameter and loads carried. Wheel widths do not seem be a factor but air filled tires increase the ratings and will allow much heavier loads to travel across carpet tiles without disturbing them.

Traffic and Maintenance

I still think that 2000 walk-ons per day in an 8ft wide corridor is light to average for commercial traffic and in many cases would be regarded as light. 2000 represents only 2 people per minute in each direction and assumes no one is present outside a basic 8 hour day. Most installations that I have encountered contain areas that see at least three times this amount. I remain concerned about your plans for maintenance especially so as in your early days you will be working with fairly solid colorations with little opportunity to disguise soiling. I do not believe that traffic patterns (absence soiling) will be a problem.

Backing

You may find some buyers that think your product is unfinished. Many will be conditioned with an expectation that there should be something on the back. I ran into this with an early UK product and had to emboss it to make it look finished. This did nothing for the product but did improve its appeal.

General

Much of the above was encountered long after the introduction of our carpet modules and, like so many things, together, manufacturers and customers continue to take the tile concept to even higher levels of acceptability.

Several times during our meeting last week Installers and Designers were mentioned. I think you will find that initially the Installer community will quickly embrace your product for its ease of cutting and its light weight. Designers will be critical of its lack of color selection and variety. You may want to push coordinated floor designs using installer skills to provide accent work.

You have great potential and if there is any justice in this world your product will be a success. I wish you well with this environmentally friendly product.

Graham Scott Oct 22nd 07.